IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 17237 of 2007(B)

PETITIONER:

C.P.SHAHINA, AGED 40, D/O. PAREEKUTTY,
H.NO.5/1443, KODAKUTHUMPARAMB, NEAR M.A.S.S.L.P.,
MATTANCHERRY.

BY ADV. SRI.A.B.JALEEL

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
MATTANCHERRY.

2. THE COMMISSIONER OF POLICE,
KOCHI CITY.

3. UMMER KUNJU,
H.NO.5/1445, NEAR M.A. S.S.L.P. SCHOOL,
MATTANCHERRY.

R1 & R2 BY GOVT.PLEADER SRI P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).No.17237/2007

APPENDIX

PETITIONER'S EXTS:

EXT.P21	PHOTOCOPY OF GIFT DEED NO.4376/94 DATED 23/9/94 EXECUTED IN FAVOUR OF THE PETITIONER BY HER MOHER NABEESA.
EXT.P2	TRUE PHOTOGRAPH SHOWING THE GATE OF THE 3RD RESPONDENT OPENING TO THE WESTERN ROAD, THE PETITIONER'S EAXT.P1 PROPETY AND THE DRAINAGE.
EXT.P3	PHOTOCOPY OF THE COMPLAINT SUBVMITTED BY THE PETITIONER THROUGH HER BROTHER BEFORE THE IST RESPONDENT DATD 29/5/2007.
EXT.P4	PHOTOCOPY OF R4ECEIPT NO.355687 ISSUED BY THE IST RESPONDENT.

// TRUE COPY//

P;.S. TO JUDGE.

KNC/-

P.R. RAMAN & K. HEMA, JJ.
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W.P.(C) NO. 17237 OF 2007
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DATED THIS, THE 11TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Notice was issued by Special Messenger and served by affixure. According to the petitioner, she is the owner of 3.5 cents of property and the residential building thereon in Sy. No. 177/1 of Mattancherry Village. Her case is that while she started construction of a compound wall, the third respondent illegally and forcibly restrained her from doing so. According to the petitioner, the third respondent is not a neighbour and no inconvenience will be caused to him if she constructed the compound wall. In spite of Ext.P3 complaint submitted by the petitioner's brother, police have not taken any action and hence this writ petition is filed.

2. Though the third respondent was served notice by affixure, he has not chosen to appear or to file any counter affidavit. The learned Government Pleader, on instructions, submit that pursuant to Ext.P3 complaint, both the parties were called and the Sub Inspector of Police inspected the site. It is stated that there is some property dispute and

therefore, police could not intervene.

3. In the facts and circumstances, there will be a direction to the Sub Inspector of Police that in case there is any danger to the life of the petitioner, adequate protection will be given. However, for construction of the compound wall, if there is any dispute, petitioner's remedy is to approach the civil court. We also notice that the neighboring owner of the property is not made a party to this writ petition and any direction, if issued, shall not adversely affect the right of the parties. In such circumstances, it is open to the petitioner to approach the civil court for appropriate relief in that regard.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-